

Appeal from a decision of the Idaho State Office, Bureau of Land Management, declaring mining claims abandoned and void. I MC 41232 through I MC 41244.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Affidavit of Assessment Work or Notice of Intention to Hold Mining Claim

Where the owner of an unpatented mining claim located on or before Oct. 21, 1976, fails to file evidence of assessment work or notice of intention to hold the claim on or before Dec. 30, 1980, having filed such evidence with BLM during calendar year 1979, the claim is properly deemed to be abandoned and void under 43 U.S.C. § 1744(c) (1976), and 43 CFR 3833.4.

2. Notice: Generally -- Regulations: Generally -- Statutes

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: L. M. Pern, pro se.

OPINION BY ADMINISTRATIVE JUDGE HARRIS

L. M. Pern appeals from a decision of the Idaho State Office, Bureau of Land Management (BLM), dated March 20, 1981, declaring the mining claims listed in the Appendix abandoned and void for failure to file by December 30, 1980, evidence of annual assessment work or notice of intention to hold the claims as required by the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744, and 43 CFR 3833.2.

Appellant's claims were located prior to October 21, 1976, and recorded with BLM on October 19, 1979.

The file contains proof of annual assessment work filed in 1979. However, no proof of annual assessment work or notice of intention to hold the claims was filed in 1980.

[1] In accordance with section 314(c) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. § 1744(c) (1976), 43 CFR 3833.2-1(a) provides:

The owner of an unpatented mining claim located on Federal lands on or before October 21, 1976, shall file in the proper BLM office on or before October 22, 1979, or on or before December 30 of each calendar year following the calendar year of such recording, whichever date is sooner, evidence of annual assessment work performed during the preceding assessment year or a notice of intention to hold the mining claim.

Therefore, evidence of annual assessment work or a notice of intention to hold the claims was required to be filed in this case on or before December 30, 1980. Failure to file the necessary information within the time period prescribed is conclusively deemed to constitute abandonment of the claim or claims. 43 CFR 3833.4.

Appellant does not deny that he failed to submit the required information but asserts that, to his knowledge, he had done everything required by law.

[2] All persons dealing with the Government are presumed to have knowledge of duly promulgated statutes and regulations. 44 U.S.C. §§ 1507, 1510 (1976); Federal Crop Insurance Corporation v. Merrill, 332 U.S. 380 (1947); James C. Prebelich, 53 IBLA 34 (1981); Canyon View Mining Co., 49 IBLA 184 (1980). BLM properly declared the claims abandoned and void.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Bruce R. Harris
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

Gail M. Frazier
Administrative Judge

APPENDIX

<u>Serial No.</u>	<u>Claim Name</u>	<u>Date of Location</u>
IMC 041232	Sunnie-Side No. 2	April 19, 1934
IMC 041233	Majestic Sunny Side Lode	July 22, 1913
IMC 041234	Sunnie-Side No. 1	April 19, 1934
IMC 041235	Speculator	April 19, 1934
IMC 041236	Beaver	August 29, 1930
IMC 041237	Bostalahan	May 22, 1935
IMC 041238	Fraction	June 1, 1935
IMC 041239	Joker	May 2, 1916
IMC 041240	Harry N. Lode	May 11, 1916
IMC 041241	Puzzle Lode	May 3, 1916

